



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OFFICE OF
SOLID WASTE AND EMERGENCY
RESPONSE

Mr. Larry Hunt, P.E. President
Hunt & Hunt Engineering
P.O. Box 771294
Houston, Texas 77215

Dear Mr. Hunt:

This responds to your letter of December 2, 1988 to Mr. Mike Scoggins of our EPA Region VI office in which you requested information regarding the applicability of EPA's final underground storage tank (UST) regulations (40 CFR Part 280) to process waste traps (oil-water separators) located at various Schlumberger manufacturing and metal finishing facilities. The UST technical standards went into effect on December 22, 1988 and the financial responsibility requirements on January 24, 1989. As we were responsible for promulgating these rules, Mr. Scoggins has asked us to respond to you directly.

Some UST systems are excluded from subtitle I regulation in the statute (For example, septic tanks and storm water or waste water collection system tanks). The statute does not include a specific exclusion of oil-water separator tanks, however. The final EPA technical standards provide further regulatory definition of the various exclusions and also contain regulatory exclusions and deferrals (from most Subtitle I regulatory coverage) of various UST systems. In general, oil water separator systems are either excluded or deferred from the regulation. The relevant regulatory exclusions and deferrals are briefly discussed below.

Waste water treatment tank systems that are part of a waste water treatment facility and are subject to regulation under either section 402 or 307 (b) of the clean Water Act (CWA) are excluded from all Subtitle I regulation. All publicly owned treatment works and many private treatment facilities are subject to the CWA and therefore excluded from subtitle I regulation. Facilities regulated under the CWA are required to be permitted in order to discharge treated water to any U.S. surface waters. Because of this, EPA has decided that

additional regulation under subtitle I is unnecessary to protect human health and the environment. The separators that you described in your letter are connected directly to a city sanitary service (i.e., a POTW). Because your oil water separators are discharging to a POTW and thus must meet treatment standards under 307 (b), your oil water separators are excluded from regulation under subtitle I. (see further discussion page 37108 of the preamble to the September 23, 1988 regulations).

Tank systems that treat waste water or storm water, but are not subject to Section 402 or 307(b) of the CWA are deferred from having to meet the requirements of subparts B through E and G. Such tanks include oil-water separators that do not discharge to a POTW or have an National Pollution Discharge Elimination System (NPDES) permit (or subject to a zero discharge effluent guideline). Tanks that pretreat and hold waste water that is periodically removed and hauled by truck to a treatment facility may be in this category. Under this regulatory deferral, such tanks would still have to comply with corrective action (should a release occur) and financial responsibility requirements of Subpart H. A discussion of this deferral is found on pages 37109-37110 of the September 23 preamble to the regulations.

Similarly, field-constructed tanks are deferred from the requirements in 40 On Part 280, subparts B through E and G of the final UST regulations. Generally these tanks are made of concrete or constructed at the site (for example, concrete poured into forms or otherwise fabricated in the field). EPA has deferred the application of the regulations (except for corrective action and financial responsibility requirements). see page 37110 of the September 23 preamble for a discussion of why field constructed UST systems have been deferred.

In summary, based on the information provided with your letter of December 2, EPA believes the oil-water separators you described are exempt from the final subtitle I regulations because the separators discharge to a POTW. If they are not subject to regulation under the CWA and thus excluded, they are deferred from most of the provisions of subtitle I regulation under the waste water treatment tank or field constructed tank system deferrals.

I hope this response provides the clarifications you need.

Sincerely,

/s/

Thomas Schruben
Environmental Engineer
Office of Underground Storage Tanks

cc: Kirsten Engle, EPA Office of General Counsel
Michael R. Scoggins, LUST Program, EPA Region 6
Dwight Russell, Texas Water Commission